

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JUAN CARLOS SANTIAGO,

Plaintiff,

v.

Case No. 11-CV-1024

**DAVID A. CLARKE, JR.,
R. SCHMIDT, and
K. NYKLEWICZ,**

Defendants.

ORDER

The plaintiff, a Milwaukee County inmate, is proceeding pro se on due process and “class of one” equal protection claims against each of the defendants.

On March 9, 2012, the plaintiff filed a motion for discovery. It appears that this motion is a copy of the plaintiff’s discovery requests to the defendants and, though it references Federal Rule of Civil Procedure 37, it does not seek relief from the court. However, if the plaintiff intended the document to be a motion to compel, it will be denied. The motion does not contain a certification that the plaintiff in good faith conferred or attempted to confer with the defendants regarding the dispute before filing his motion, which is required by Rule 37 and Civil Local Rule 37 (E.D. Wis.).

On March 19, 2012, the plaintiff filed a motion for summary judgment, and a review of the docket suggests that the defendants also intended or attempted to file a motion for summary judgment on April 11, 2012. The defendants’ response to the plaintiff’s motion for summary judgment is at docket #22. At docket #23, the defendants filed a brief in support of their motion for summary judgment, as well as proposed findings of fact, affidavits, and exhibits. However, defendants did not file a motion. Instead, the docket entry for their brief links to the plaintiff’s

motion for summary judgment. The deadline for filing dispositive motions is not until July 2, 2012, and the court will give the defendants another opportunity to file a motion for summary judgment, if that is what they intended. The defendants should make sure that their motion complies with the Federal Rules of Civil Procedure and the Civil Local Rules regarding motions for summary judgment, particularly Civil Local Rule 56(a), which contains requirements for motions for summary judgment in cases in which the opposing party is proceeding pro se. The defendants need not refile the documents supporting their motion, which are filed at Docket #23.

NOW, THEREFORE, IT IS ORDERED that the plaintiff's motion for discovery (Docket #18) is hereby **DENIED**.

IT IS FURTHER ORDERED that if the defendants seek relief under Federal Rule of Civil Procedure 56, they must file a motion for summary judgment that complies with Rule 56 and Civil Local Rule 56(a). The defendants need not refile the documents supporting their motion, which have been filed at Docket #23. Consistent with Civil Local Rule 56(b)(2), the plaintiff will have 30 days from the service of the defendants' motion to file his materials in opposition.

Dated at Milwaukee, Wisconsin this 24th day of May, 2012.

BY THE COURT:

s/ Nancy Joseph
NANCY JOSEPH
United States Magistrate Judge